

**ORDINANCE NO. 03-1021**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Chapter 15.31.040 of the City Zoning Code to adopt interim development standards for wireless telecommunications facilities.

**WHEREAS**, the City Council is concerned that existing development regulations and design standards governing wireless telecommunication facilities are not sufficient to protect the public interest regarding the City's aesthetic character; and

**WHEREAS**, in order to safeguard the public interest regarding aesthetic character, to protect the public welfare, and to ensure compatibility with adjacent land uses, interim development standards should be established for the public good; and

**WHEREAS**, the City anticipates receiving a number of permit applications to site WTFs which would be vested under existing regulations and result in facilities incompatible with surrounding development; and

**WHEREAS**, the Comprehensive Plan supports implementing standards to minimize adverse aesthetic impacts from utility facilities (Policy 5.3B); and

**WHEREAS**, RCW 36.70A.390 allows adoption of an interim zoning ordinance for a period of up to six (6) months;

**WHEREAS**, adopting interim standards allows time for City staff and the Planning Commission to research and formulate permanent development standards that reflect input from industry representatives and the public;

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390 permit the City Council to adopt an interim zoning ordinance, subject to a public hearing within sixty (60) days of the date of adoption of any

such interim zoning ordinance, and further subject to findings of fact justifying the interim zoning ordinance at either the time of adoption or following conclusion of the public hearing; and

**WHEREAS**, the City Council deems it to be in the best interest of the public welfare to provide for interim development standards governing wireless telecommunication facilities;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC,  
WASHINGTON HEREBY ORDAIN as follows:**

Section 1. Section 15.31.040 of the SeaTac Municipal Code is hereby amended to read as follows:

15.31.040 General Siting Approach and Development Standards

- A. General Siting Approach. Generally, collocation on existing support structures or other existing structures is encouraged. Further, attachment of antenna(s) to existing nonresidential structures primarily within high intensity zones, as listed below, is preferable to new freestanding support structures.

New support structures will be allowed only when there is no feasible alternative. SMC [15.31.030](#)(B)(3) sets forth the procedures by which the existence of feasible alternatives will be determined. The preferred order for the location of new support structures is:

1. I and BP zones;
  2. ABC, CB, CB-C, O/CM, O/C/MU and NB zones;
  3. UH and UM zones;
  4. UL, MHP, T and P zones.
- B. Development Standards.

1. High Intensity Zones. Subject to the following development standards, WTFs are permitted in the following high intensity zones: I, BP, ABC, CB, CB-C, and O/CM. Location of WTFs on some structures in the high intensity zones is subject to the conditional use permit process as stated in SMC [15.31.030](#)(A).

- a. Collocation. Collocation is encouraged. No additional setback or landscaping standards are required for WTFs collocating on existing support structures.

- i. The maximum number of platforms on any support structure shall be four (4).
  - ii. The number of WTFs allowed on existing structures is not limited, except that not more than one (1) WTF shall be allowed on a utility pole.
  - iii. Each service provider shall be limited to an equipment shelter installation not to exceed two hundred fifty (250) square feet in area at each WTF site. An equipment shelter installation may be comprised of a single structure, or several cabinets or similar components.
- c. Locating on Utility Poles. WTFs locating on utility poles shall either meet the definition of a microcell, or conform to the following:
- i. Only tubular and whip antennas may be mounted on utility poles.
  - ii. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating the WTF; provided that:
    - (a) No utility pole, including the wireless antenna, shall exceed a height of 55 feet measured from the base of the pole.
    - (b) Utility poles used to mount a WTF must be tapered and shall measure no more than twenty (20) inches in diameter at the base and shall taper to fourteen (14) inches or less in diameter at the top of the pole.
  - iii. A tubular antenna may be mounted as an extension on top of an existing utility pole. A tubular antenna mounted on top of a utility pole shall not exceed fourteen (14) inches in diameter and eight (8) feet in height;
  - v. A whip antenna may be mounted as an extension on top of an existing utility pole. A whip antenna mounted on top of a utility pole shall not exceed fifteen (15) feet in length, and shall be enclosed within a cylinder no more than fifteen (15) feet in height and fourteen (14) inches in diameter, that is painted or treated to match the existing pole;
  - vi. Where an existing utility pole is replaced to accommodate a WTF, the WTF, cylinder cover and supporting utility pole shall be painted or treated to simulate natural wood grain;
  - vii. Exceptions to subsection 'vi' above may be authorized in writing by the Director of Planning and Community Development to preserve the existing aesthetic character of a zone or subarea;

vii. Where a WTF is added to an existing utility poles, the WTF and cylinder cover shall be painted or treated to match the color and texture of the utility pole;

viii. The visual effect of the WTF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

ix. The use of a utility pole for the siting of a WTF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as a host site for a WTF becomes unnecessary and any City, State, or Federal regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the WTF;

x. Equipment cabinet(s) for WTFs located on utility poles shall be located underground, unless an existing building other than a single-family residence is available to accommodate the equipment cabinet(s), or vegetation sufficient to screen the cabinet(s) exists at the site;

xi. In all cases where a utility pole is replaced for the purpose of accommodating a WTF installation, the cables and other wiring necessary for the WTF shall be routed inside the pole.

c. Height. The height of WTFs collocated on existing structures shall not exceed twenty (20) feet above the existing structure; provided, that the height shall not exceed applicable FAA limitations.

The height of new support structures shall be limited to eighty (80) feet. This height may be increased to one hundred (100) feet if the support structure is designed to accommodate collocation by another wireless telecommunications service provider.

WTFs collocated on an existing support structure shall not exceed the height of that support structure.

d. Setbacks. For new support structures, the required setbacks shall be measured from the base of the support structure or from the edge of the equipment shelter, whichever is closer to the property line. The minimum setbacks shall be as follows:

i. Front: Ten (10) feet;

ii. Side: Five (5) feet;

iii. Rear: Five (5) feet.

The setbacks shall be a minimum of twenty (20) feet on the sides adjacent to P, UL, UM, UH, MHP or T zones. For new WTFs located on existing buildings, the WTF shall be allowed to project into the setback; provided, that such projection does not exceed twenty-four (24) inches.

Within the urban center, new support structures shall be located as far to the rear of the site as the setbacks will allow, so as to preserve as much of the site as possible for future development.

- e. Landscaping. For new support structures, the street frontage landscaping shall be Type II, ten (10) feet, and Type II, five (5) feet, on the sides and rear. Where adjacent to UL, UM, UH, MHP, T or P zones, new support structures shall provide ten (10) feet of Type II landscaping on that side(s). In all cases, the landscaping shall be located on the outside of any fence that is used.

Landscaping standards may be modified at the discretion of the Planning Director in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, topography, or the placement of the WTF among buildings.

- 2. Low Intensity Zones. Low intensity zones include only the UL, UM, UH, MHP, O/C/MU, NB, T, and P zones. Subject to the following development standards, WTFs are allowed in the low intensity zones. Location of WTFs on some structures in the low intensity zones is subject to the conditional use permit process as stated in SMC [15.31.030](#)(A).

- a. Collocation. Collocation or locating on an existing structure is required, except where technical or other limitations preclude it, as documented by a report described in SMC [15.31.030](#)(B)(3)(c).
  - i. The maximum number of platforms on any existing support structure shall be two (2), except where the Planning Director determines that a lower number is needed to protect the character of the existing neighborhood.
  - ii. The number of WTFs located on existing structures is not limited, except that not more than one (1) WTF shall be allowed on a utility pole.
  - iii. Each service provider shall be limited to an equipment shelter installation not to exceed two hundred fifty (250) square feet in area at each WTF site. An equipment shelter installation may be comprised of a single structure, or several cabinets or similar components.

- b. New support structures, as defined under SMC 15.10.635, shall not be located in low-intensity zones.

Existing support structures already located in the low-intensity zone shall be considered legal nonconforming structures; however, modifications may be made to the existing support structure, including structural upgrades to the structure, provided that:

- i. The structure height is not increased;
- ii. WTFs collocated on an existing support structure shall not exceed the height of that support structure;
- iii. No more than 2 platforms are located on the monopole;
- iv. Adverse visual impacts of the structure on adjacent properties are not increased, as determined by the Director of Planning and Community Development.

c. Locating on Utility Poles. WTFs locating on utility poles shall either meet the definition of a microcell or conform to the following:

i. Only tubular and whip antennas may be mounted on utility poles.

ii. The utility pole at the proposed location may be replaced with a taller pole for the purpose of accommodating the WTF; provided that:

(a) No utility pole, including the wireless antenna, shall exceed a height of 45 feet measured from the base of the pole.

(b) Utility poles used to mount a WTF must be tapered and shall measure no more than twenty (20) inches in diameter at the base and shall taper to fourteen (14) inches or less in diameter at the top of the pole.

iv. A tubular antenna may be mounted as an extension on top of an existing utility pole. A tubular antenna mounted on top of a utility pole shall not exceed fourteen (14) inches in diameter and eight (8) feet in height;

v. A whip antenna may be mounted as an extension on top of an existing utility pole. A whip antenna mounted on top of a utility pole shall not exceed fifteen (15) feet in length, fourteen (14) inches in diameter, and shall be enclosed within a cylinder no more than fifteen (15) feet in height and fourteen (14) inches in diameter at the base, that is painted or treated to match the existing pole;

vi. All WTFs, cylinder covers, and supporting utility poles shall be painted or treated to simulate natural wood grain;

vii. Exceptions to subsection 'vi' above may be authorized in writing by the Director of Planning and Community Development to preserve the existing aesthetic character of a zone or subarea;

viii. The cylinder cover added to existing utility poles and the WTF shall be painted or treated to match the color and texture of the utility pole;

ix. The visual effect of the WTF on all other aspects of the appearance of the utility pole shall be minimized to the greatest extent possible;

x. The use of a utility pole for the siting of a WTF shall be considered secondary to the primary function of the utility pole. If the primary function of a utility pole serving as a host site for a WTF becomes unnecessary and any City, State, or Federal regulation requires its removal, the utility pole shall not be retained for the sole purpose of accommodating the WTF;

xi. Equipment cabinet(s) for WTFs located on utility poles shall be located underground, unless an existing building other than a single-family residence is available to accommodate the equipment cabinet(s), or vegetation sufficient to screen the cabinet(s) exists at the site;

xii. In all cases where a utility pole is replaced for the purpose of accommodating a WTF installation, the cables and other wiring necessary for the WTF shall be routed through the inside of the pole.

c. Height. The height of WTFs located on existing structures shall not exceed fifteen (15) feet above the existing structure; provided, that the height shall not exceed applicable FAA height limitations.

d. Setbacks. For new support structures, the required setbacks shall be measured from the base of the support structure or from the edge of the equipment shelter, whichever is closer to the property line. The setbacks shall be a minimum of twenty (20) feet on all sides. For collocated WTFs, or WTFs located on an existing structure, there are no additional setback requirements.

e. Landscaping. For new support structures, the street frontage landscaping shall be Type I, ten (10) feet, on all sides. In all cases, the landscaping shall be located on the outside of any fence that is used.

Landscaping standards may be modified at the discretion of the Planning Director in cases where the need for landscaping is eliminated by adequate natural screening, existing landscape buffers, or topography.

3. General Development Standards. All WTFs in all zones shall be subject to the following development standards:
- a. Fencing. Fences are not required, but shall be subject to a maximum height of ten (10) feet. The maximum fence height shall include any barbed wire or similar material, if used at the top of the fence. Fences may be constructed of any standard fencing material. All fencing shall be located inside of any required landscaping.
  - b. Lighting. Only lighting required by FAA regulations, as documented by a letter from that agency, is allowed on support structures or antennae. Where lighting is required by FAA regulations, the light source shall be hooded or directed to shield adjacent properties, except where prohibited by FAA regulations.
  - c. Noise. WTFs shall meet all existing noise standards as per SMC [15.18.020](#). In addition, noise levels shall not exceed ambient noise levels when measured at the property boundaries except in designated emergencies or for emergency generator testing. During generator testing, noise levels shall not exceed five (5) dBA above ambient noise levels when measured at the property boundaries. Generator testing is allowed only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday.
  - d. Aesthetics. Support structures shall be painted a color that best allows them to blend into the surroundings. The use of grays, blues and greens will often be appropriate. However, each case shall be evaluated individually, and approval of the Planning Director shall be obtained.

When located on an existing structure, antenna(e) and associated equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the existing structure so as to make the installation as visually unobtrusive as possible.

Neither antenna(e), antenna array(s), nor support structures shall be painted with signs, symbols, logos, flags or similar markings, nor shall such signs, symbols, logos, flags or similar markings be attached to antenna(e), antenna array(s), or support structures. This provision is intended to preclude the use of WTFs for advertising purposes. UL certification tags, manufacturer's contact information, and similar small tags not visible at a distance are exempt from this provision.

- e. Abandonment. Any WTF that is abandoned shall be reported immediately to the Director of Planning and Community Development by the service provider. The service provider shall include documentation of the date that use of the WTF was discontinued. The service provider shall remove the



abandoned WTF and restore the aboveground site features to their pre-existing condition within six (6) months of the abandonment, unless another service provider commits to using the site/facility as specified below. If the abandoned WTF is not removed and the site restored within the specified time frame, the City may conduct the removal and/or restoration at the service provider's expense.

If there are two (2) or more users of a single WTF, then this provision shall not become effective until all users cease using the WTF. If another service provider has committed to continue the use of the discontinued WTF, an extension of up to three (3) months beyond the six (6) month removal deadline may be granted provided that:

- i. A letter of intent to operate the abandoned facility is submitted to the City by the new service provider; and
- ii. The WTF is put into service, or an application for a WTF has been submitted within the three (3) month extension period.

f. Maintenance. All required landscaping shall be maintained as per SMC [15.14.210](#). In addition, painted or otherwise coated surfaces shall be continually maintained.

Section 2. These standards are adopted on an interim basis pursuant to RCW 36.70A.390 for a period of six (6) months from the effective date of this ordinance.

Section 3. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall cause appropriate notice to be given and shall hold a public hearing on the matter of this ordinance not later than sixty (60) days after adoption hereof, and shall then make findings of fact justifying the same.

Section 4. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 5. The Ordinance shall be deemed a public emergency ordinance and shall be effective immediately upon passage.

**ADOPTED** this 24th day of June, 2003 and signed in authentication thereof on this 24th day of June, 2003.

**CITY OF SEATAC**

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Joe Brennan, Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Robert L. McAdams, City Attorney

[Effective Date: \_\_\_\_\_]

[An Ordinance Adopting Interim Design Standards for Wireless Telecommunications Facilities]